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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
07/867,819	04/13/92	HARLEY J	OMRF114CIP (2)

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ART UNIT	PAPER NUMBER
1806	37

DATE MAILED: 08/13/96

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

**Notification of Non-Compliance with
37 CFR 1.192(c)**

Application No.

07/867,819

Applicant(s)

Hayley, J.B.

Examiner

Anthony C. Caputa

Group Art Unit

1806



The Appeal Brief filed on Apr 15, 1996 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

Applicant is given a TIME LIMIT of ONE MONTH from the date of this letter or any time remaining in the period under 37 CFR 1.192(a) for filing a new complete brief. If a new brief that fully complies with 37 CFR 1.192(c) is not timely submitted, the appeal will be dismissed as of the expiration of the period provided by 37 CFR 1.192(a). No extension of this one month time limit may be obtained under either 37 CFR 1.136(a) or (b) but the original two-month period under 37 CFR 1.192(a) for filing the brief may be extended under 37 CFR 1.136(a) up to six months from the date of the Notice of Appeal. The new complete brief must be filed IN TRIPLICATE. See 37 CFR 1.192(a).

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims. 37 CFR 1.192(c)(3).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment. 37 CFR 1.192(c)(4).
4. ☒ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters. 37 CFR 1.192(c)(5).
5. ☐ The brief does not contain a concise statement of the issues presented for review. 37 CFR 1.192(c)(6).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
 - a. ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - b. ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal. 37 CFR 1.192(c)(8).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto. 37 CFR 1.192(c)(9).
9. ☒ Other (including any explanation in support of the above items):

While the brief provides a concise explanation of claims 1-3, 10, and 11 drawn to the specific peptides, the brief does not provide a concise explanation referring to the specification by page and line number of: 1.) claims 12, 13, and 15 drawn to the use of the claimed peptides in an assay and; 2.) claim 16 which requires an additional step of the assay as set forth in claims 12, 13, and 15.

Marian C. Knode
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